

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

OCT 19 2004

Michael N. Milby, Clerk  
By Deputy Clerk M. Yesselt

IN THE MATTER OF PROTECTING  
PERSONAL PRIVACY IN PUBLIC  
CASE FILES

§  
§  
§

GENERAL ORDER NO. 2004 - 11

ORDER

This Order amends General Order No. 2003-4, dated August 24, 2003. It is issued in compliance with the policy of the Judicial Conference of the United States and also Sec. 205 of the E-Government Act of 2002 (Pub. L. No. 107-347), as amended.

In order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, it is ORDERED that parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court:

- a. Social Security Numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.
- b. Names of minor children. If the involvement of a minor must be mentioned, only the initials of that child should be used.
- c. Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.
- d. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

e. Home addresses. If a home address must be included, only the city and state should be listed.

Effective November 1, 2004, images of documents in criminal cases which are scanned will be electronically available to the public at the courthouse or through subscription to PACER. When electronic filing is authorized in criminal cases, those documents filed electronically will also be electronically available to the public at the courthouse or through subscription to PACER. Documents that have been sealed or otherwise restricted by the court will not be electronically available.

For filings in Bankruptcy Court because of conflicting bankruptcy statutes and rules, this Order shall apply only to personal identifiers b and c, pertaining to names of minor children and dates of birth. The Order does not apply to social security and financial account numbers in Bankruptcy Court filings. Also, this Order does not apply to any cases brought pursuant to Section 205(g) of the Social Security Act, 42 U.S.C. §405(g), since remote electronic availability of documents in those cases is restricted to parties only.

Because of remote electronic availability, caution should be exercised and the necessity to seal considered when filing documents that contain any of the following information:

- a. any personal identifying number, such as driver's license number;
- b. medical records, treatment and diagnosis;
- c. employment history;
- d. individual financial information;
- e. proprietary or trade secret information;
- information regarding an individual's cooperation with the government;
- g. information regarding the victim of any criminal activity;

h. national security information; and

sensitive security information as described in 49 U.S.C. § 114(s).

Notwithstanding any foregoing provision, however, and in compliance with the E-Government Act, any party wishing to file a document containing the personal data identifiers listed above may

a. file an unredacted version of the document under seal which shall be retained by the court as part of the record, or

b. file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as a matter of right. It shall be retained by the court as part of the record.

The court may, however, still require the party to file a redacted copy for the public file.

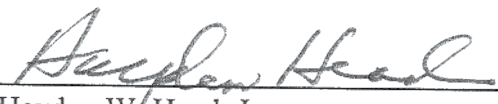
The following documents shall not be included in the public case file and should not be made available to the public at the courthouse or via remote electronic access:

- a. unexecuted summonses or warrants of any kind (e.g., search warrants, arrest warrants);
- b. pretrial bail or presentence investigation reports;
- c. statements of reasons in the judgment of conviction;
- d. juvenile records;
- e. documents containing identifying information about jurors or potential jurors;
- f. financial affidavits filed in seeking representation pursuant to the Criminal Justice Act;
- g. ex parte requests (e.g., authorization of investigative, expert or other services pursuant to the Criminal Justice Act); and

h. sealed documents (e.g., motions for downward departure for substantial assistance, plea agreements indicating cooperation).

The responsibility for redacting personal identifiers and properly filing documents to be sealed rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this rule.

DONE at Corpus Christi, Texas, this 18 day of October, 2004.

  
\_\_\_\_\_  
Hayden W. Head, Jr.  
Chief United States District Judge